

FILED
DISTRICT COURT
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

15 MAY -1 PM 2:02

OFFICE OF THE CLERK

PRO SE CIVIL COMPLAINT

Case No. 8:15 CV 157
(the court will assign a number)

I. CASE CAPTION: Parties to this Civil Action:

Pursuant to Fed. R. Civ. P. 10(a), the names of **all** parties must appear in the case caption.
The court will **not** consider a claim against any defendant who is not listed in the caption.

A. Plaintiff(s) Name(s): Address(es): Telephone No. (only if
you are NOT a prisoner)

Randy S. Peterson P.O. Box 11099
Omaha, Neb 68111

B. Defendant(s) Name(s): Address(es) If known:

Richard G. Kopf Senior United States
Judge, Nebraska

(Attach extra sheets if necessary.)

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U.S. DISTRICT COURT
OMAHA

II. STATEMENT OF CLAIM(S)

State briefly the facts of your claim. Describe how each defendant is involved. You do not need to give legal arguments or cite cases or statutes. Use as much space as you need to state the facts. (Attach extra sheets if necessary.)

A. When did the events occur?

January 5, 2015 June 6, 2014
March 16, 2015

B. What happened?

Plaintiff filed a Federal Habeas on June 6, 2014 alleging He is the victim of an armed robbery attempt, was arrested for felon in possession of a firearm and wrongfully convicted on the sole ground that there was a gun involved and the plaintiff/petitioner is an ex-felon. On January 5, 2015 Judge Kopf, Senior United States District Judge ruled that plaintiff/petitioner's habeas was filed out of time, but goes on to state that if petitioner had argued actual innocence there is no statute of limitations, acting with complete and deliberate indifference to the

II. STATEMENT OF CLAIM(S) (continued)

Law that he was quoting, then ruling that his decision was not appealable.

On or about January 14, 2015 petitioner filed a motion for reconsideration stressing that he had in fact argued actual innocence and therefore there is no statute of limitations.

On March 16, 2015 Judge Kupf denied said motion stating that plaintiff "has not made a convincing showing of actual innocence."

From time of arrest when police stated ^{they} didn't care that plaintiff was the victim, a gun was involved and plaintiff is an ex-felon, through the courts where prosecuting attorney stated "he didn't care what the circumstances were, it is his job to convict felons," to the judge's statement, "she wasn't there for justice, it is her job to convict," all goes to show that Judge Richard Kupf is acting with deliberate indifference and bias and prejudice towards the plaintiff and total disrespect to the law and the people he took an oath to protect.

III. STATEMENT OF JURISDICTION

Check any of the following that apply to this case (you may check more than one):

☒ United States or a federal official or agency is a party

☒ Claim arises under the Constitution, laws or treaties of the United States

☒ Violation of civil rights

☐ Employment discrimination

☐ Diversity of Citizenship (a matter between citizens of different states in which the amount in controversy exceeds \$75,000)

☐ Other basis for jurisdiction in federal court (explain below)

Filed Federal Habeas in United States
District Court, Federal District of Nebraska

IV. STATEMENT OF VENUE

State briefly the connection between this case and Nebraska. For example, does a party reside or do business in Nebraska? Is a party incorporated in Nebraska? Did an injury occur in Nebraska? Did the claim arise in Nebraska?

plaintiff was arrested in Norfolk Neb., convicted in
Madison County, Neb., incarcerated in Omaha Neb.
denied a fair hearing in Madison, Lincoln and
Federal court in Omaha Neb.

V. RELIEF

State briefly what you want the court to do for you.

Over turn this wrongful conviction, compensate
plaintiff for the 4 years deprived of his freedom
Loss of wages. of \$65,000 2 years X 4

VI. EXHAUSTION OF ADMINISTRATIVE PROCEDURES

Some claims, but not all, require exhaustion of administrative procedures. Answer the questions below to the best of your ability.

- A. Have the claims which you make in this civil action been presented through any type of administrative procedure within any state or federal government agency?

Yes X No _____

- B. If you answered yes, state the date your claims were so presented, how they were presented, and the result of that procedure:

Nebraska Board of Pardons.

- C. If you answered no, give the reasons, if applicable, why the claims made in this action have not been presented through administrative procedures:

VII. ARE YOU REQUESTING TRIAL BY A JURY OR BY A JUDGE? (check one):

JURY X JUDGE

VIII. VERIFICATION

I (we) declare under penalty of perjury that the foregoing is true and correct.

Date(s) Executed:

Signature(s) of Plaintiff(s):

April 28, 2015 Randy S. Peterson

Note:

IF YOU CANNOT AFFORD TO PAY THE COURT'S FILING FEE UPON THE FILING OF YOUR COMPLAINT, THERE IS A SEPARATE FORM TO BE USED FOR APPLYING TO PROCEED IN FORMA PAUPERIS. Also, if there is more than one plaintiff in the case who wishes to proceed in forma pauperis, each such plaintiff must submit a separate application to proceed in forma pauperis.

RANDY PETERSON #74149

P.O. Box 11099

Omaha, Neb. 68111-0099

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U.S. DISTRICT COURT
OMAHA

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